

FM MR WILLIAMSON, BONN

TO MR GILMAN, HEIDELBERG

MR STOESSEL, SHAPE

MR HULICK, BERLIN

SECRET

BON 163

REF HBG 1121

IN ORDER ENABLE DETERMINATION WHICH FUNCTIONS OF USCOB ARE

GOVERNMENTAL RELATING TO EXERCISE RIGHT OF OCCUPATION IN BERLIN AND WHICH ARE MILITARY IN NATURE, FOLLOWING BACKGROUND ON DEVELOPMENT DUAL ROLE USCOB SHOULD BE KEPT IN MIND:

1. UNTIL 1949, GOVERNMENT OF THREE WESTERN ZONES OF OCCUPATION OF GERMANY AND OF BERLIN WAS CONDUCTED BY MILITARY AUTHORITIES. COMMANDERS-IN-CHIEF OF OCCUPATION TROOPS WERE ALSO MILITARY GOVERNORS EXERCISING GOVERNMENTAL FUNCTIONS ARISING FROM OCCUPATION. IN BERLIN, GARRISON COMMANDERS OF OCCUPATION TROOPS (COMMANDANTS) FORMED INTER-ALLIED GOVERNING AUTHORITY (KOMMANDATURA) TO EXERCISE GOVERNMENTAL OCCUPATION FUNCTIONS.

2. IN 1949, GOVERNMENT THREE WESTERN OCCUPATION ZONES AND OF BERLIN BY MILITARY AUTHORITIES WAS TERMINATED. COMMANDERS-IN-CHIEF AS HOLDERS OF GOVERNMENTAL AUTHORITY WAS REPLACED BY CIVILIAN HIGH COMMISSIONERS. FOR US, THIS CHANGE-OVER FROM MILITARY TO CIVILIAN RULE WAS EXPRESSED IN EXECUTIVE ORDER 10062, DATED JUNE 6, 1949 (AS AMENDED BY EXECUTIVE ORDER 10144, DATED JULY 21, 1950) CREATING POSITION OF US HIGH COMMISSIONS FOR GERMANY WHO WAS DESIGNATED AS THE "SUPREME U.S. AUTHORITY IN GERMANY" AND WHO WAS TO EXERCISE "ALL OF THE GOVERNMENTAL FUNCTIONS OF THE U.S. IN GERMANY (OTHER THAN

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COMMAND OF TROOPS), "UNDERSCORING SUPPLIES". WITH RESPECT TO  
"MILITARY MATTERS", COMMANDER-IN-CHIEF, EUROPEAN COMMAND, CONTINUED  
RECEIVE INSTRUCTIONS FROM JCS, BUT ON REQUEST HIGH COMMISSIONER  
WAS TO TAKE NECESSARY MEASURES FOR MAINTENANCE LAW AND ORDER AND SUCH  
OTHER ACTION AS REQUIRED TO SUPPORT US POLICY IN GERMANY.

3. IN BERLIN, THIS CHANGE FROM MILITARY TO CIVILIAN OCCUPATION GOVERNMENT RESULTED IN ASSIGNING TO COMMANDER US GARRISON DUAL FUNCTIONS; IN GOVERNMENTAL MATTERS, HE BECAME PERSONAL REPRESENTATIVE OF US HIGH COMMISSIONER AND AS SUCH WAS RESPONSIBLE FOR AMERICAN OCCUPATION ADMINISTRATION; HE SERVED AS US MEMBER ALLIED KOMMANDATURA. IN MILITARY MATTERS SUCH AS DEFINED IN EXECUTIVE ORDER NO. 10062 VIZ. PRIMARILY COMMANDER OF TROOPS, USCOB WAS REPRESENTATIVE USCINCEUR AND ACTED AS LATTER'S DEPUTY FOR US SECTOR OF BERLIN.

4. AS A RESULT OF PARIS PROTOCOL OF OCTOBER 23, 1954, OCCUPATION REGIME WAS TERMINATED IN THREE WESTERN OCCUPATION ZONES, THEN FORMING FEDERAL REPUBLIC OF GERMANY, WITH EFFECT FROM MAY 5, 1955. OCCUPATION REGIME, HOWEVER, CONTINUED IN BERLIN AND ORGANIZATION THERE REMAINED BASICALLY AS CREATED IN 1949, EXCEPT FOR CHANGE IN DESIGNATIONS. BY EXECUTIVE ORDER 10608, DATED MAY 5, 1955, POSITION OF US HIGH COMMISSIONER FOR GERMANY WAS ABOLISHED. INSTEAD CHIEF US DIPLOMATIC MISSION TO FEDREP, CALLED "CHIEF OF MISSION" WAS VESTED WITH "SUPREME AUTHORITY...WITH RESPECT TO ALL RESPONSIBILITIES, DUTIES AND GOVERNMENTAL FUNCTIONS OF US IN ALL OF GERMANY", WHICH, OF COURSE, INCLUDED BERLIN AND THE ZONE. CONSEQUENTLY, AS IN HICOG DAYS, USCOB STILL IS:

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A. DEPUTY TO "CHIEF OF MISSION" IN EXERCISE OF ALL GOVERNMENTAL FUNCTIONS ARISING FROM OCCUPATION OF BERLIN AND MEMBER OF ALLIED KOMMANDATURA

B. DEPUTY TO US MILITARY COMMANDER HAVING AREA RESPONSIBILITY IN GERMANY, IN RESPECT OF ALL MILITARY MATTERS. LETTER OF INSTRUCTIONS WHICH INCUMBENT COMMANDER-IN-CHIEF USAREUR ADDRESSES TO USCOB (SUCH AS GENERAL HODES' LETTER DATED NOVEMBER 7, 1958) DESCRIBED RESPECTIVE DUTIES OF USCOB AS DEPUTY CHIEF OF MISSION AND COMMANDER OF TROOPS.

SHOULD BE NOTED THAT SOVIET COMMANDANT OF SOVIET BERLIN GARRISON IN LEGAL THEORY IS STILL MEMBER QUADRIPARTITE ALLIED KOMMANDATURA, A FUNCTION HE CHOOSES NOT TO EXERCISE FOR THE TIME BEING. RELATIONS USCOB WITH SOVIET COMMANDANT THEREFORE PRIMARILY AFFECT MATTERS OCCUPATION ADMINISTRATION WITHIN JURISDICTION USCOB IN HIS CAPACITY AS DEPUTY CHIEF OF MISSION.

AS REGARD SOVIET MOTIVATIONS, THEIR EFFORTS APPEAR BE DIRECTED TOWARD DOWNGRADING HERETOFORE ACCEPTED BERLIN CHANNELS COMMUNICATION WHILE SIMULTANEOUSLY CONTINUING CONTEND THEY HAVE NO RESPONSIBILITY FOR EAST GERMAN ACTIONS. EFFORTS DOWNGRADE BERLIN CHANNELS COMMUNICATION ARE CONSISTENT BOTH WITH THEIR DISCLAIMER POLITICAL RESPONSIBILITY TO WESTERN POWERS FOR EAST GERMAN ACTIONS AND WITH THEIR "FREE CITY" CONCEPT. IN EMBASSY VIEW, WE SHOULD BE CAREFUL NOT TO HELP THEM IN THEIR DOWNGRADING EFFORTS AND SHOULD THEREFORE PERSIST IN TRYING RESOLVE BERLIN MATTERS THROUGH LONG-ESTABLISHED CHANNELS. WE SHOULD NOT BY OUR OWN ACTIONS PERMIT ESTABLISHED CHANNELS TO FALL INTO DISUSE. IT IS FOR THIS REASON, AMONG OTHERS, THAT WE BELIEVE EFFORTS TO RESOLVE COMMANDANTS PROBLEM SHOULD BE PURSUED IN COMMANDANT POLAD CHANNEL IN BERLIN.

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